

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division

GRUNLEY WALSH U.S., LLC,)	
)	
Plaintiff,)	
)	
v.)	Case No.: 1:08-cv-446
)	
LOREN RAPP <i>et al.</i> ,)	
)	
Defendants.)	

ORDER

This matter comes before the Court on Plaintiff's Motion for Summary Judgment (Dkt. no. 86) and Defendants' Motion for Summary Judgment (Dkt. no. 94). Upon careful consideration of these motions and accompanying memoranda, for good cause, and for the reasons stated in a Memorandum Opinion to follow, it is hereby

ORDERED that Plaintiff's Motion for Summary Judgment (Dkt. no. 86) is DENIED regarding Counterclaim Counts I and II because disputed issues of material fact exist regarding those claims. Furthermore, Plaintiff's Motion for Summary Judgment (Dkt. no. 86) is DENIED with respect to Counterclaim Count III, as the Attorneys' fees issue shall be determined after the verdict.

It is also ORDERED that Defendants' Motion for Summary Judgment (Dkt. no. 94) is GRANTED in part. Specifically, for the reasons explained in a Memorandum Opinion to follow, the Court finds that the "Sellers' Release" relieves Defendants Loren Raap and G-W Management Services from liability regarding claims supported by facts occurring on or before November 6, 2007. Therefore, all of Plaintiff's Counts are DISMISSED to the extent that they

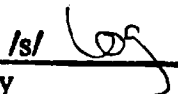
arise from facts occurring on or before November 6, 2007.

Both Plaintiff Grunley Walsh U.S. LLC and Defendants Raap and G-W Management Services shall file a written response with the Court defining which, if any, of Counts I-V and VIII-IX in Plaintiffs First Amended Complaint are supported by facts arising after November 6, 2007. No argument is required; the parties shall simply list each Count, and identify each fact arising after November 6, 2007 that supports that Count, noting whether the fact is in dispute. The written responses shall be filed by Friday April 17, 2009 at 5 p.m. and shall not exceed ten pages.

Finally, pursuant to the parties' Stipulation of Dismissal of Counts VI and VII (Dkt. no. 90), Counts VI and VII of the Plaintiff's First Amended Complaint are DISMISSED WITH PREJUDICE.

ENTERED this 14th day of April, 2009.

Alexandria, Virginia



Liam O'Grady
United States District Judge